

Message Text

CONFIDENTIAL

PAGE 01 QUITO 00643 272325Z

67

ACTION COA-01

INFO OCT-01 ARA-06 ISO-00 OES-03 DLOS-03 PM-03 COME-00

CIAE-00 INR-07 NSAE-00 RSC-01 DODE-00 NSF-01 INT-05

EB-07 /038 W

----- 056520

P R 272245Z JAN 75

FM AMEMBASSY QUITO

TO SECSTATE WASHDC PRIORITY 4199

INFO AMCONSUL GUAYAQUIL

AMEMBASSY LIMA

AMEMBASSY MEXICO CITY

C O N F I D E N T I A L QUITO 0643

E.O. 11652: GDS

TAGS: PFOR, EFIS, PLOS, EC, US

SUBJECT: DETENTION OF US FISHING BOATS AND FISHERMAN'S PROTECTIVE ACT
(FPA)

REF: A) QUITO 2055, MARCH 27, 1974 B) QUITO 167

1. I RECALL WHEN WORKING ON AN LOS NSSM IN 1971 THAT ONE OF THE OPTIONS UNDER DISCUSSION AT THE TIME WAS THE POSSIBILITY OF THE EXECUTIVE BRANCH PROPOSING TO CONGRESS THE REPEAL OF THE FPA. THE IDEA NEVER GOT VERY FAR AT THAT TIME, BUT WITH OUR OWN THINKING HAVING EVOLVED IN THE INTERINM TOWARDS ACCEPTANCE OF A COASTAL STATE ECONOMIC ZONE OUT TO 200 MILES AND THE EVENTUAL POSSIBILITY OF OUR OWN 200-MILE FISHING ZONE LEGISLATION, PERHAPS THIS MIGHT BE A GOOD TIME TO TAKE ANOTHER LOOK AT THE IMPLICATIONS OF THE FPA.

2. WEEKEND DETENTION OF US BOATS OFF ECUADOREAN COAST ONCE AGAIN HIGHLIGHTS SOME OF FPA'S ABSURDITIES. FPA, BY PROVIDING FOR REIMBURSEMENT TO FISHERMEN FOR LICENSES AND FINES ENCOURAGES NON-COMPLIANCE WITH A LAW GOE IS DETERMINED TO CARRY OUT AND, IN EFFECT, SUBSIDIZES CONFLICT BETWEEN OUR TUNA INDUSTRY AND GOE.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 QUITO 00643 272325Z

3. LAW ALSO CONTAINS OTHER ANOMALIES. FOR EXAMPLE, SINCE FINES ARE ALWAYS A MULTIPLE OF THE ORIGINAL LICENSE COST, REIMBURSEMENT TO OUR INDUSTRY BY US TAXPYER IS SUBSTANTIALLY MORE EXPENSIVE THAN IF OWNER HAD SIMPLY PAID FOR LICENSE IN FIRST PLACE. TO TAKE A CASE IN POINT, FOUR BOATS JUST DETAINED WITHOUT LICENSES WOULD HAVE PAID A TOTAL OF ABOUT \$115,000 (AN AVERAGE OF JUST UNDER \$30,000 EACH) FOR MATRICULAS AND LICENSES. BY GOE CALCULATION THIS WOULD REPRESENT ROUGHLY 10 PERCENT OF THE VALUE OF THEIR CATCH CAPACITY AT PRICES, E.G. A 10 PERCENT FEE TO FISH HERE. (ACTUALLY, AT CURRENT PRICES FOR TUNA LANDED AT SAN DIEGO, LICENSE COST PROBABLY REPRESENTS EVEN LESS THAN 10 PERCENT OF TOTAL CATCH VALUE.) NOW, FINES THESE BOATS AND EVENTUALLY TAXPAYERS WILL HAVE TO PAY WILL BE AT LEAST DOUBLE THE ABOVE FIGURE, NOT COUNTING WHATEVER GOE DECIDES TO DO ABOUT CONFISCATION OF CATCH FOUND ON BOARD WHICH COULD REPRESENT A LOSS OF ADDITIONAL HUNDREDS OF THOUSANDS OF DOLLARS.

4. PAYING FOR LICENSES IN THE FIRST INSTANCE, THEREFORE, WOULD BE FAR LESS COSTLY NOT TO MENTION THE OTHER COMPLICATIONS IT COULD AVOID. AS FOR THE POINT WHICH SOME MIGHT MAKE THAT PAYING FOR LICENSES WOULD BE UNACCEPTABLE LOS CONCESSION, I THINK THAT THIS ARGUMENT AVOIDS REALITY THAT THERE IS NOTHING WE CAN DO TO DIVERT GOE FROM ENFORCEMENT OF ITS FISHERIES POSITION AND THAT TO STAY ON PRESENT COURSE IS PRESCRIPTION FOR PERPETUAL FRICTION. BESIDES IF USG WISHES TO MAINTAIN IT S THEORETICAL PURITY IN ISSUE IT DOES NOT HAVE TO ENCOURAGE BUYING LICENSES; ALL THAT IS NECESSARY IS TO TAKE AWAY THE PRESENTLY BUILT-IN INCENTIVES FOR NOT RPT NOT BUYING THEM.

5. I CAN THINK OF NO SINGLE STEP WHICH USG COULD TAKE TO SOLVE CURRENT SITUATION IN RESPECT TO "TUNA WARS" WHICH WOULD BE MORE EFFECTIVE THAN THE REPEAL OF THE FPA. AND, IN FACT, AS LONG AS IT IS ON THE BOOKS IT IS HARD TO SEE HOW OUR INDUSTRY CAN EVER BE PERSUADED TO COME TO A DURABLE MODUS VIVENDI WITH COUNTRIES

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 QUITO 00643 272325Z

WHICH CLAIM FISHERIES JURISDICTION BEYOND THE TWELVE MILES WE PRESENTLY RECOGNIZE. INDEED OUR INABILITY, DESPITE SUBSTANTIAL EFFORT, TO PROMOTE ASSOCIATION TALKS BETWEEN OUR INDUSTRY AND ECUADOREAN STATE FISHING CORPORATION EARLIER THIS YEAR WAS NO DOUBT IN LARGE MEASURE DUE TO EXISTENCE OF FPA AND ITS EFFECTS ON SAN DIEGO'S ATTITUDES.

NEGROPONTE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISHING DISPUTES, FISHING AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975QUITO00643
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750030-0382
From: QUITO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750117/aaaaapfd.tel
Line Count: 115
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION COA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 QUITO 2055, 75 MARCH 27, 75 1974, 75 QUITO 167
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 08 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 SEP 2003 by ElyME>; APPROVED <09 SEP 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DETENTION OF US FISHING BOATS AND FISHERMAN'S PROTECTIVE ACT (FPA)
TAGS: PFOR, EFIS, PLOS, EC, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006